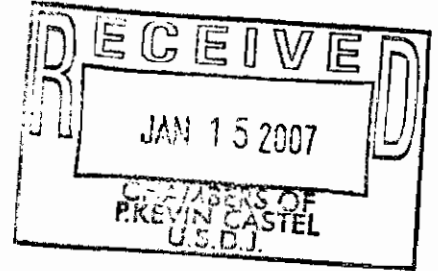


January 10, 2008

Hon. P. Kevin Castel  
United State District Judge  
U.S. District Court  
Southern District of New York  
500 Pearl St.  
New York N.Y. 10007



**MEMO ENDORSED**

Re: Walter Lipscomb v. City of New York, et al.  
07 Civ. 4603 (PKC)(FM)

Dear Judge Castel:

JOHN WARE UPTON  
ATTORNEY AT LAW  
70 LAFAYETTE STREET  
NEW YORK, NY 10013  
212.233.9300 TEL  
212.233.9713 FAX

I represent the plaintiff in this case and write to request a second extension of the discovery deadlines.

On September 29, 2007, plaintiff served his First Interrogatories and Requests for Documents. The response has still not arrived. Opposing counsel has informed me that he has received some documents from the NYPD but that additional work must be done before a production will be made. I request that the Court order that the response be served on or before Wednesday, January 23, 2008.

In the absence of the documents, we have not been able to commence the depositions.

In light of all the above, I request that the Court extend the discovery deadline five weeks from January 31<sup>st</sup> to March 7<sup>th</sup> and the expert witness deadline from February 22<sup>nd</sup> to April 11<sup>th</sup>.

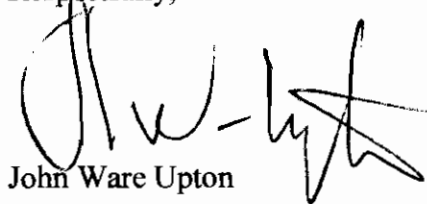
Andrez Carberry, of the Corporation Counsel, opposes the January 23<sup>rd</sup> date.

Finally, I inform the Court that plaintiff has suggested to defendants that a mediation session such as is referred to in Case Management Order be held during the hiatus which we have had in the case, however defendants have stated that they wish to wait until after the depositions have been held.

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Thank you for your attention to this matter.

Respectfully,

  
John Ware Upton

cc: Andrez Carberry, Assistant Corporation Counsel

*Interrogatory responses and  
objections are due Feb 5.  
Fact discovery extended to March 7  
and report due to April 11.  
Feb 29 conference is vacated  
Next conference March 28  
at 11 am.*

*SO ORDERED.  
JST  
1-15-08*